

REMARKS / ARGUMENTS

Initially, Applicant's attorney wishes to take this opportunity to thank Examiner Asinovsky for the brief telephonic consultation to discuss the meaning of the Advisory Action mailed March 16, 2004 and possible appropriate responses thereto. More particularly, the Advisory Action states that the Amendment After Final Rejection filed February 23, 2004 has not been entered because there is confusion concerning exactly which paragraphs of the present specification were intended to be amended. Accordingly, this Supplemental Amendment After Final Rejection is being submitted and contains rewritten amendments to the specification where the specification version being amended is the published version (i.e., US 2002/0165296 A1), which should, hopefully, address and clarify the issues raised in the Advisory Action. No other changes to the substance of the prior Amendment After Final Rejection have been made herein.

Amendments to the Claims

No amendments to the claims of the present application are presented in this Supplemental Amendment After Final Rejection.

Amendments to the Specification

The foregoing amendments to the present specification have conformed the language of the Statement of the Invention section to the claims as amended in the Amendment and Supplemental Information Disclosure Statement entered October 23, 2003. Thus, it is believed that there is no longer any discrepancy in the present application concerning the feature of the present invention wherein the polymeric composition comprises non-gelled polymer chains and that the weight average molecular weight of the polymeric composition is at least 100,000 g/mol. Previous amendments to the claims (submitted October 23, 2003) clarified this matter in the claims and now, it is respectfully submitted that the foregoing amendments presented hereinabove have also clarified this matter in

the present specification.

In addition, a typographical error (i.e., the spelling of “surprisingly”) on page 1 of the specification (US 2002/0165296 A1) has also been corrected by the foregoing amendments.

Furthermore, it is noted that amendments have been made to Example 5 of the present application and the data table relating thereto for the purpose of clarifying the test method used for determination of whether a polymeric composition has gelled or non-gelled polymer chains. These amendments to Example 5 are intended to clarify and provide reproducibility for the results reported in the original data table in the column entitled Results of Test for Presence of Gel (formerly “Notes”). It is noted that the polymeric compositions prepared by the process of the present invention have non-gelled polymer chains because chain branching monomers in an amount of no greater than 0.10 wt % are polymerized with at least one C₈ to C₃₀ alkyl (meth)acrylate monomer by conventional emulsion polymerization as recited in amended independent Claim 1. The test method provided by the foregoing amendments of Example 5 enables persons of ordinary skill in the art to determine whether a particular polymeric composition has such non-gelled polymer chains in accordance with the present invention.

In the foregoing circumstances, it is submitted that the foregoing amendments to the specification do not introduce any new matter to the present invention, but merely clarify issues and definitions which are already discernible and understandable by persons of ordinary skill in the art upon careful and thorough reading of the entire specification and examples of the present application. Entry of the foregoing amendments is hereby respectfully requested.

Claim Rejections

Initially, it is noted that the present application currently includes Claims 1-10 and that the Office Action Summary correctly acknowledges the existence of Claims 1-10 and states that Claims 1-10 are subject to rejections. However, the Examiner’s detailed comments state that Claims 1-9 have been rejected (see

page 2, paragraph 2; page 3, paragraph 3; and page 4, paragraph 4), without mention of Claim 10. Applicants and their attorney have assumed that it was intended to include Claim 10 in each of the claim rejections issued by the Examiner and, therefore, the following remark and arguments are written as though Claim 10 had been so included. If this assumption is incorrect, Applicants and their attorney would appreciate receiving a correction from the Examiner in the next official communication in connection with this application.

On pages 2-3 of the Office Action, the Examiner has rejected Claims 1-10, under U.S.C. § 112, first paragraph, as not being enabled for non-gelled polymer chains of unspecified molecular weight in view of certain statements in the present specification. In addition, at pages 3-4 of the Office Action, Claims 1-10 have been rejected, under U.S.C. § 112, first paragraph, as not being enabled for non-gelled polymer chains based upon the Examiners determination that the characteristics of the non-gelled polymers are unspecified. Finally, the Examiner rejected Claims 1-10, under U.S.C. § 112, second paragraph, as being indefinite with respect to non-gelled polymer chains because of her determination that there is no definition of non-gelled polymer chains. In view of the foregoing amendments to the present specification and the following remarks, Applicants and their attorney respectfully traverse these rejections.

It is respectfully submitted that the absence of a specified molecular weight for the non-gelled polymer chains of the polymeric compound does not render the present invention indefinite or require undue experimentation for persons of ordinary skill in the art to successfully practice the invention as recited in independent Claims 1 and 9. In this regard, Applicants and their attorney note that, as would be understood by persons of ordinary skill in the art after a careful reading of the present disclosure and examples, the non-gelled polymer chains are created, or come into being, as a result of copolymerizing the two specified components recited in Claims 1 and 9, i.e., at least one C₈ to C₃₀ alkyl (meth)acrylate monomer and at least one chain branching monomers having two or more reactive sites. The present specification explains that "non-gelled" polymer chains are those which are non-crosslinked and soluble (see the present

specification, US 2002/0165296 A1, at page 3, paragraph [0048] where “insoluble crosslinked gelled polymer” is discussed and paragraph [0046]). The molecular weight of the resulting non-gelled polymer chains is not critical – only that they exist in the resulting polymeric composition to impart the desired properties to the polymeric composition.

It is the molecular weight of the overall polymeric composition (which contains the non-gelled polymer chains) which is important in the present invention. As explained in the specification, US 2002/0165296 A1, (beginning of paragraph [0006]; and paragraphs [0008] and [0011]), high alkyl (meth)acrylate polymeric compositions having high molecular weights and which contain non-gelled polymer chains provide further improvements to the melt strength of polyolefin thermoplastic resins with which they are blended.

Furthermore, as discussed hereinabove, Example 5 of the present application, as amended, more clearly presents the test method by which persons of ordinary skill in the art may determine the presence of non-gelled and gelled polymer chains in the polymeric composition.

Thus, it is respectfully submitted that “non-gelled” polymer chains are adequately defined and characterized in the present application such that persons of ordinary skill in the art would be able to practice and use the present invention as recited in Claims 1-10. In particular, it is believed that such persons would readily recognize the advantages of the presence of non-gelled polymer chains in polymeric compositions made from C₈ to C₃₀ alkyl (meth)acrylate monomers and would know how to produce such polymeric compositions by copolymerizing such monomers with the appropriate amount (i.e., not greater than 0.10 wt %) of chain branching monomers having two or more reactive sites, and would also know how to confirm whether, in fact, such non-gelled polymer chains were present in the polymeric composition product thus obtained. Thus, no undue experimentation would be required by persons of ordinary skill in the art to achieve the polymeric composition of the present invention.

Based upon the foregoing amendments to the specification and the above remarks and explanation, it is respectfully submitted that the rejections based

upon 35 U.S.C. § 112 have been addressed and overcome.

Conclusion

Since it is believed that the foregoing amendments to the present specification do not add any new matter to the present application, but merely clarify the as-filed disclosure, and do not alter the scope of the claims as last amended in October 2003, entry of the foregoing amendments into the present application is respectfully requested. It is further believed that the present application is now in condition for allowance. In the foregoing circumstances, re-examination and allowance of the present application, including Claims 1-10, are respectfully requested. If, however, such action cannot be taken, the Examiner is cordially invited to contact the undersigned attorney to discuss any outstanding issues in connection with the present application.

No fees are believed to be due in connection with the submission of this Supplemental Amendment After Final Rejection, since it is being submitted within three months after the mailing date of the final Office Action mailed December 23, 2003. If, however, any such fees, including petition and extension fees, are due in connection with the submission of this Supplemental Amendment After Final Rejection, the Commissioner is hereby authorized to charge such fees to **Deposit Account No. 18-1850.**

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Respectfully Submitted,



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